

CLARKSON LAW FIRM, P.C.

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

MATTHEW SINATRO, PHILLIP WHITE, and
JESSICA PROST, individually and on behalf of
all others similarly situated,

Plaintiffs,

v.

MRS. GOOCH'S NATURAL FOOD
MARKETS, INC., a California corporation, and
WHOLE FOODS MARKET CALIFORNIA,
INC., a California corporation,

Defendants.

Case No.: 22-cv-03603-TLT

CLASS ACTION

Assigned to Hon. Trina L. Thompson

**PLAINTIFFS' NOTICE OF
INTENT NOT TO FILE MOTION FOR
CLASS CERTIFICATION**

TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Plaintiffs Matthew Sinatro, Phillip White, and Jessica Prost (“Plaintiffs”) do not intend to file a motion for class certification in this action (“Notice”).

On February 16, 2023, the Court entered an order granting in part and denying in part Defendants’ motion to dismiss Plaintiffs’ First Amended Complaint (“Dismissal Order”) (Dkt. 58). In the Dismissal Order, the Court concluded it did not have subject matter jurisdiction over the matter. The Order also adjudicated Plaintiffs’ claims under Federal Rule of Civil Procedure 12(b)(6). The Court provided Plaintiffs with leave to amend their complaint no later than March 17, 2023. On March 17, 2023, Plaintiffs filed their notice of intent not to file an amended complaint (Dkt. 61). As stated in that notice, Plaintiffs were not withdrawing or otherwise altering the relief sought in their pending Motion for Leave to File Motion for Reconsideration of the Order (Dkt. 60): for the Court to withdraw, vacate, or otherwise modify the Dismissal Order to reflect only the Court’s ruling on subject matter jurisdiction. This Notice likewise does not operate to withdraw or otherwise alter the relief sought in that pending Motion. Plaintiffs respectfully maintain that, without subject matter jurisdiction, the Court was without authority to rule on the merits of their claims under Rule 12(b)(6).

Current Deadlines

Date	Deadline
July 13, 2023	Class Certification Motion
September 16, 2023	Opposition to Class Certification
September 29, 2023	ADR Deadline
November 16, 2023	Reply in Support of Class Certification
December 12, 2023 at 2:00 p.m.	Hearing on Class Certification
December 14, 2023 at 2:00 p.m.	Further Case Management Conference
March 29, 2024	Fact Discovery Cut-Off
April 26, 2024	Expert Disclosures Due
May 25, 2024	Expert Rebuttals Due

July 24, 2024	Expert Discovery Due
July 24, 2024	Deadline to File Dispositive Motions
August 27, 2024 2:00 p.m.	Hearing on Dispositive Motions
October 24, 2024	Deadline to Meet & Confer on Pretrial Filings
December 5, 2024	Joint Pretrial Statement Due
December 12, 2024 at 3:30 p.m.	Final Pretrial Conference
January 21, 2025	Trial (5-7 Days)

Dated: July 7, 2023

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/s/ Ryan J. Clarkson
Ryan J. Clarkson, Esq.

Attorneys for Plaintiffs